

OFFICE OF CONSTITUTIONAL POLICING AND POLICY

NOTICE
1.14

August 28, 2015

TO: All Department Personnel

FROM: Director, Office of Constitutional Policing and Policy

SUBJECT: PROCEDURES REGARDING AUTHORIZED ACCESS BY DEPARTMENT PERSONNEL TO BODY WORN AND DIGITAL IN-CAR VIDEO RECORDINGS

Access to Body Worn Video and Digital In-Car Video Recordings for Audit, Assessment, Internal Review, and Inspection Purposes

A. Audit Division

Audit Division may access Body Worn Video (BWV) or Digital In-Car Video (DICV) recordings to conduct audits, assessments, or internal reviews authorized by the Board of Police Commissioners, the Office of the Chief of Police, or the Office of Constitutional Policing and Policy (OCP). Such audits, assessments, and internal reviews shall be conducted consistent with Generally Accepted Government Auditing Standards (GAGAS). Any video footage that reveals activity that may constitute possible misconduct or that identifies potential training or counseling issues shall be provided to the appropriate command or Internal Affairs Group to be handled consistent with existing Department policies and procedures including the Professional Standards Bureau (PSB) Notice issued on August 27, 2015, entitled *Guidelines for Reviews of Body Worn and Digital In-Car Video Recordings*.

B. Bureau and Division Inspections and Reviews

Bureau and division commanding officers may authorize personnel to conduct periodic inspections of BWV or DICV recordings to ensure officers are complying with Special Order No. 12, *Body Worn Video Procedures – Established*, dated April 28, 2015, and other applicable Department policies and procedures. Any footage that reveals potential misconduct or training issues shall be handled consistent with existing policies and procedures including the PSB Notice issued on August 27, 2015, entitled *Guidelines for Reviews of Body Worn and Digital In-Car Video Recordings*.

Restricting Access to Sensitive Personal Recordings

- A. Procedure** - In the event of an unintentional and inadvertent BWV or DICV recording that captures sensitive, personal information for which access should be restricted, an officer may submit a written request to his/her commanding officer to restrict access to that portion of the video recording. Upon receiving the request, the commanding officer shall not review the video and shall contact Information Technology Bureau (ITB) in writing, which will review the recording and restrict access to only that

portion of the video that contains the personal sensitive information. The remainder of the video recording will remain accessible consistent with existing rules and procedures.

- B. Restricted Video** - A video is “restricted” when the BWV or DICV System Administrator restricts electronic access to the video footage so that others in the Department may not view the video unless specifically granted electronic access to do so.
- C. Authorized Access to Restricted Sensitive Personal Recording** - The Commanding Officer, ITB, may allow an investigator or auditor to view a restricted sensitive personal recording if the request has been approved by a police commander or civilian equivalent and is necessary in order to conduct an authorized administrative investigation, criminal investigation, or a Department inspection or audit consistent with GAGAS.
- D. Notice to Original Requesting Officer** - If a Department entity seeks to access a restricted sensitive personal recording, that entity must notify the officer who originally requested that the sensitive personal recording be restricted. If the original requesting officer objects to the review of the restricted video footage, he/she shall immediately notify ITB of the objection and submit an Employee’s Report, Form 15.07.00, regarding the objection to ITB and the OCPP within seven calendar days. Absent exigent circumstances, the restricted portion of the video footage shall not be disclosed to the requesting entity until the Director, OCPP, has made a final determination regarding the objection and disclosure. Once a final determination is made, the original requesting officer will be notified by email or telephonic contact or in person within 48 hours, and before the release of the restricted recording.
- E. Exception to Notification Requirement** - When notification of a request to review a restricted sensitive personal recording would compromise an ongoing administrative or criminal investigation, the notification requirement shall not apply if approved by a deputy chief or civilian equivalent and the Director, OCPP.

Inspections and Reviews of Personnel Accessing Body Worn Video or Digital In-Car Video Recordings

Area commands, bureaus, and other authorized Department entities may conduct periodic inspections and reviews to determine whether Department personnel are accessing BWV or DICV footage without authorization or inconsistent with these guidelines. Personnel found to be accessing BWV or DICV footage without authorization or in violation of Department policies and procedures are subject to disciplinary action.

Complying With Legal Obligations and Law Enforcement Agency Requests

The provisions in this Order do not apply when video footage is requested by another law enforcement agency conducting a criminal investigation or pursuant to an obligation in a civil or criminal proceeding or other requirement under the law. In all such cases, existing Department

policies and procedures control the disclosure of such information. The officer who originally requested that the personal sensitive recording be restricted will be notified, absent exigent circumstances or a compelling justification, within 48 hours by email, telephonic contact, or in person.

Inapplicability to the Office of the Inspector General

This Notice does not in any way restrict access to BWV or DICV recordings by the Office of the Inspector General consistent with the authority granted by the City of Los Angeles Charter, Section 573.

If you have any questions regarding this Notice, please contact the Office of Constitutional Policing and Policy, at (213) 486-8730.



ARIF ALIKHAN, Director
Office of Constitutional Policing and Policy

APPROVED:



SEAN MALINOWSKI, Commander
Chief of Staff